

SECOND REGULAR SESSION

SENATE BILL NO. 1094

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR CHAMPION.

Read 1st time February 23, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

5148L.01I

AN ACT

To repeal sections 71.790, 71.796, and 71.798, RSMo, and to enact in lieu thereof three new sections relating to special business districts.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 71.790, 71.796, and 71.798, RSMo, are repealed and
2 three new sections enacted in lieu thereof, to be known as sections 71.790, 71.796,
3 and 71.798, to read as follows:

71.790. The governing body of any city may establish special business
2 districts in the manner provided hereafter, and upon establishment each such
3 district shall be a body corporate and politic and a political subdivision of the
4 state. **The governing body of any home rule city with more than one**
5 **hundred fifty-one thousand five hundred but fewer than one hundred**
6 **fifty-one thousand six hundred inhabitants may dissolve a special**
7 **business district in accordance with the procedure set forth in sections**
8 **67.950 and 67.955, RSMo; provided, however, that any proceeds from the**
9 **disposal of assets of the district after payment of all indebtedness shall**
10 **be used by the governing body of such city in a manner consistent with**
11 **the purposes of the district and within the boundary of the former**
12 **district.**

71.796. The governing body in establishing and maintaining a business
2 district shall have all the powers necessary to carry out any and all improvements
3 adopted in the ordinance establishing the district including:

4 (1) To close existing streets or alleys or to open new streets and alleys or
5 to widen or narrow existing streets and alleys in whole or in part;

6 (2) To construct or install pedestrian or shopping malls, plazas, sidewalks
7 or moving sidewalks, parks, meeting and display facilities, convention centers,
8 arenas, bus stop shelters, lighting, benches or other seating furniture, sculptures,

9 telephone booths, traffic signs, fire hydrants, kiosks, trash receptacles, marquees,
10 awnings, canopies, walls and barriers, paintings, murals, alleys, shelters, display
11 cases, fountains, rest rooms, information booths, aquariums, aviaries, tunnels and
12 ramps, pedestrian and vehicular overpasses and underpasses, and each and every
13 other useful or necessary or desired improvement;

14 (3) To landscape and plant trees, bushes and shrubbery, flowers and each
15 and every and other kind of decorative planting;

16 (4) To install and operate, or to lease, public music and news facilities;

17 (5) To purchase and operate buses, minibuses, mobile benches, and other
18 modes of transportation;

19 (6) To construct and operate child-care facilities;

20 (7) To lease space within the district for sidewalk café tables and chairs;

21 (8) To construct lakes, dams, and waterways of whatever size;

22 (9) To provide special police or cleaning facilities and personnel for the
23 protection and enjoyment of the property owners and the general public using the
24 facilities of such business district;

25 (10) To maintain, as hereinafter provided, all city owned streets, alleys,
26 malls, bridges, ramps, tunnels, lawns, trees and decorative plantings of each and
27 every nature, and every structure or object of any nature whatsoever constructed
28 or operated by the said municipality;

29 (11) To grant permits for newsstands, sidewalk cafes, and each and every
30 other useful or necessary or desired private usage of public or private property;

31 (12) To prohibit or restrict vehicular traffic on such streets within the
32 business district as the governing body may deem necessary and to provide the
33 means for access by emergency vehicles to or in such areas;

34 (13) To lease, acquire, **dispose of**, construct, reconstruct, extend,
35 maintain, or repair parking lots or parking garages, both above and below ground,
36 or other facilities for the parking of vehicles, including the power to install such
37 facilities in public areas, whether such areas are owned in fee or by easement;

38 (14) To promote business activity in the district by, but not limited to,
39 advertising, decoration of any public place in the area, promotion of public events
40 which are to take place on or in public places, furnishing of music in any public
41 place, and the general promotion of trade activities in the district.

71.798. The governing body of the city creating the district shall have sole
2 discretion as to how the revenue derived from any tax to be imposed herein, **or**
3 **any revenue derived from disposition of assets of the district**, shall be
4 used within the scope of the above purposes. The governing body of the city shall

5 appoint an advisory board or commission to make recommendations as to its
6 use. The governing body of the city creating the district shall not decrease the
7 level of publicly funded services in the district existing prior to creation of the
8 district or transfer the financial burden of providing the services to the district
9 unless the services at the same time are decreased throughout the city, nor shall
10 the governing body discriminate in the provision of the publicly funded services
11 between areas included in such a district and areas not so included.

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